

EXHIBIT 7
FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOOGLE LLC,

Plaintiff,

vs.

No. 3:20-cv-06754

SONOS, INC.,

Defendant.

_____/

-- ATTORNEYS' EYES ONLY --

VIDEO-RECORDED DEPOSITION OF JAMES MALACKOWSKI

REMOTE ZOOM PROCEEDING

New Buffalo, Michigan

Friday, August 26, 2022

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

Job No. CS5367688

1 misrepresented its profit margins in this case, are you?

2 A. I'm not sure what you mean by "deliberately
3 misrepresented." I'm not suggesting a fraudulent
4 activity. I'm simply saying that these two things are
5 connected, that when you look to the measure of profit
6 for the accused product, it represents a significant loss
7 that is influenced in part by the fact that it does not
8 include the offsetting revenue from the related
9 advertising and other services.

10 Q. In the next paragraph you talk about Google
11 selling its "Cast-enabled media players at a discount
12 and/or as a 'loss leader' with the expectation that this
13 will allow Google to generate even more revenue in the
14 future - e.g., by powering Google's continued dominance
15 of the market for search and advertising."

16 Do you see that?

17 A. I do.

18 Q. Are you aware of a specific Google policy for
19 Google to set prices below the costs it incurs to produce
20 products?

21 A. I'm not aware of a written policy in that
22 regard. My report here simply refers to the actual
23 evidence reflecting the results of the policies that they
24 do have, which shows that they continue to operate the
25 product segment of this business at a significant loss.

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

4 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do
5 hereby certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections
10 made by counsel at the time of the examination were
11 recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel for
17 any party to said action, nor am I related to any party
18 to said action, nor am I in any way interested in the
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 30th day of August, 2022.
22
23

24 

25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462